

EXHIBIT B

IN THE DISTRICT COURT OF EL PASO, COUNTY, TEXAS
34th JUDICIAL DISTRICT COURT

MARIA FONSECA,	}	
Plaintiff,	}	
v.	}	CAUSE NO. 2020DCV3880
WILLIAM DOUGLAS ORONA and	}	
ELITE POWER AND RECOVERY, INC.,	}	
Defendants.	}	

PLAINTIFF'S FIRST AMENDED PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, MARIA FONSECA hereinafter called Plaintiff, complaining of and about WILLIAM DOUGLAS ORONA and ELITE POWER AND RECOVERY, INC. hereinafter called Defendants, and for cause of action shows unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff is a resident of the State of Texas.
3. Defendant, WILLIAM DOUGLAS ORONA is a resident of the State of New Mexico.

Service of process is not necessary at this time.

4. Defendant, ELITE POWER AND RECOVERY, INC. is a business of the State of New Mexico. Service of process is not necessary at this time.

JURISDICTION AND VENUE

5. The subject matter in controversy is within the jurisdictional limits of this court.

6. This court has jurisdiction over the parties because the incident occurred in El Paso County, Texas.

FACTS

7. This lawsuit results from an automobile accident that occurred on July 18, 2019, in El Paso, County Texas. Plaintiff, MARIA FONSECA was the operator of a motor vehicle in El Paso County, Texas, in a reasonable and prudent manner, exercising ordinary care for her safety, and the safety of others when Plaintiff, was struck by a vehicle which was operated by Defendant, WILLIAM DOUGLAS ORONA. The collision, which was proximately caused by Defendant's negligence, occurred as follows: The accident occurred in 1800 Joe Battle Blvd. which is Northbound traffic and intersects into 12200 Windermere. Plaintiff was traveling northbound on Joe Battle Blvd. and Defendant was exiting Windermere and entering the mentioned lanes on Joe Battle. Defendant, WILLIAM DOUGLAS ORONA failed to yield the right of way to oncoming traffic colliding with Plaintiff's vehicle causing the collision in question. As a result of the negligent conduct of Defendant and the resulting collision, Plaintiff sustained substantial physical injuries to Plaintiff's person.

PLAINTIFF'S CLAIM OF NEGLIGENCE AGAINST DEFENDANT WILLIAM DOUGLAS ORONA

8. Defendant, WILLIAM DOUGLAS ORONA, had a duty to exercise the degree of care that a reasonably and careful person would use to avoid harm to others under circumstances similar to those described herein.

9. Plaintiff's injuries were proximately caused by Defendant's negligent, careless and reckless disregard of said duty.

10. The negligent, careless and reckless disregard of duty of Defendant, WILLIAM DOUGLAS ORONA consisted of, but is not limited to, the following acts and omissions:

- A. In that Defendant failed to keep a proper lookout for Plaintiff's safety that would have been maintained by a person of ordinary prudence under the same or similar circumstances;
- B. In that Defendant failed to yield as a person of prudent care would have done;
- C. In that Defendant failed to stop his motor vehicle in an effort to avoid the incident complained of;
- D. In that Defendant failed to enter into the lane only when he could have safely entered without interference or collision with other traffic, and specifically, with Plaintiff's motor vehicle.

**NEGLIGENT ENTRUSTEMENT BY DEFENDANT
ELITE POWER AND RECOVERY, INC.**

11. Defendant, ELITE POWER AND RECOVERY, INC. had a duty to exercise ordinary care in the training and supervision of its employees. It breached this duty by failing to exercise such care and failing to adequately train and supervise its employees. Further, Defendant, ELITE POWER AND RECOVERY, INC. was the owner of the 2006 International S-Series driven by WILLIAM DOUGLAS ORONA on the day of the incident with Plaintiff. Defendant entrusted the vehicle to WILLIAM DOUGLAS ORONA when they knew or should have known that WILLIAM DOUGLAS ORONA was an incompetent or reckless driver. On this particular occasion WILLIAM DOUGLAS ORONA was in fact negligent in causing the collision with Plaintiff's vehicle. Defendant, ELITE POWER AND RECOVERY, INC. had a duty to exercise ordinary care in the training and supervision of its employees. Defendant, ELITE POWER AND RECOVERY, INC. negligent training, supervision, and entrustment proximately caused the injuries and damages made the subject of this lawsuit.

CAUSE OF ACTION – RESPONDEAT SUPERIOR

12. At the time of the occurrence in question and immediately prior thereto, Defendant, WILLIAM DOUGLAS ORONA, was operating said vehicle within the course and scope of his agency and/or employment for ELITE POWER AND RECOVERY, INC. Plaintiff therefore invokes the doctrine of Respondeat Superior.

DAMAGES FOR MARIA FONSECA

13. As a direct and proximate result of the occurrence made the basis of this lawsuit, MARIA FONSECA was caused to suffer injuries to her head, neck, back, shoulder and body as a whole, and to incur the following damages:

- A. Reasonable medical care and expenses in the past in the amount of \$55,685.38. These expenses were incurred by Plaintiff for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in El Paso County, Texas;**
- B. Physical pain and suffering in the past in the amount of \$100,000.00;**
- C. Physical pain and suffering in the future in the amount of \$75,000.00;**
- D. Physical impairment in the past in the amount of \$85,000.00;**
- E. Physical impairment which, in all reasonable probability, will be suffered in the future in the amount of \$85,000.00;**
- F. Mental anguish in the past in the amount of \$85,000.00;**
- G. Mental anguish in the future in the amount of \$85,000.00;**
- H. Lost wages in the amount of \$8,000.00**
- I. Lost earnings and earning capacity in the future in the amount of \$200,000.00.**

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, **MARIA FONSECA** respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant, jointly and severally, for damages listed above, together with pre-judgment interest from the date of injury through the date of judgment at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

THE ENRIQUEZ LAW FIRM, PLLC
1212 Montana Avenue
El Paso, Texas 79902
(915) 351.4331
(915) 351.4339 Facsimile No.



BY: HUMBERTO S. ENRIQUEZ
Attorney for Plaintiff
State Bar No. 00784019

CERTIFICATE OF SERVICE

In compliance with Texas Rule of Civil Procedure 21 a (e), I, Humberto S. Enriquez, certify that on this 15 day of February, 2021, a true and correct copy of the foregoing document filed electronically with the clerk of the court in accordance with Texas Rule of Civil Procedure 21 (f)(1), is served on the party or attorney electronically pursuant to Texas Rule of Civil Procedure 21a (a)(1), or if the email address of the party or attorney is not on file with the electronic filing manager then service is accomplished pursuant to Texas Rule of Civil Procedure 21a (a)(2).

The Following parties or attorney(s) are served with the foregoing document:

Darryl S. Vereen
Michelle Esoarza
Mounce, Green, Myers, Safi, Paxson & Galatzan
PO Box 1977
El Paso, Texas 79999-1977
vereen@mgmsg.com
esparza@mgmsg.com



HUMBERTO S. ENRIQUEZ
Attorney for Plaintiff

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS

34TH JUDICIAL DISTRICT

MARIA FONSECA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Cause No. 2020-DCV3880
	§	
WILLIAM DOUGLAS ORONA, and	§	
ELITE POWER AND RECOVERY, INC.,	§	
	§	
Defendants.	§	

DEFENDANT ELITE POWER AND RECOVERY, INC.’S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW ELITE POWER AND RECOVERY, INC., a Defendant in the above-entitled and numbered cause, and files its Original Answer in reply to the Plaintiff’s Original Petition, and for answer says:

I.

Pursuant to Tex. R. Civ. P. 92, Defendant enters its general denial as to Plaintiff’s Original Petition and demands strict proof thereof.

II.

Defendant would show that Plaintiff’s own contributory negligence and/or negligence *per se* was the proximate cause, sole proximate cause, or a new and independent cause of the occurrence in question, and all of Plaintiff’s alleged damages and injuries, if any.

III.

With regard to any allegations of negligence *per se*, Defendant would show that its alleged acts or omissions, or that of the Defendant driver, if any, were excused, as that term is defined and understood by law.

IV.

Defendant would show that all or part of Plaintiff's claims are barred by Tex. Civ. Prac. & Rem. Code Ann. §41.0105 since Plaintiff may only recover medical expenses actually paid or incurred.

V.

Defendant would show that all or part of Plaintiff's alleged claims are barred by Tex. Civ. Prac. & Rem. Code Ann. § 18.091, since any evidence of wages or economic damages must be presented in an after-tax format.

VII.

Defendant would show that Plaintiff has failed to mitigate her alleged damages and injuries, if any, as that term is defined and understood by law.

VIII.

Defendant would show that Plaintiff's claims for independent negligence against this Defendant are moot, as that term is defined and understood by law.

IX.

Defendant requests trial by jury and reserves the right to amend.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that upon final hearing that it be discharged and allowed to go hence without day and with its costs and that the Court grant Defendant such other and further relief, general or special, legal or equitable, to which Defendant may be justly entitled.

Respectfully submitted,

**MOUNCE, GREEN, MYERS
SAFI, PAXSON & GALATZAN, P.C.**

P.O. Drawer 1977

El Paso, Texas 79999-1977

Phone: (915) 532-2000

Fax: (915) 541-1597

E-Mail: vereen@mgmsg.com

E-Mail: esparza@msmsg.com

By: 

Darryl S. Vereen

State Bar No. 00785148

Michelle Esparza

State Bar No. 24116329

Attorneys for Defendants

CERTIFICATE OF SERVICE

In compliance with Texas Rule of Civil Procedure 21a (e), I, **Darryl S. Vereen**, hereby certify that on the 16 day of December, 2020, a true and correct copy of the foregoing document filed electronically with the clerk of the court in accordance with Texas Rule of Civil Procedure 21a (f)(1) is served on the following parties or attorney(s): Humberto S. Enriquez, Esq., enriquezlawfirm@sbcglobal.net, 1212 Montana Avenue, El Paso, Texas 79902.


Darryl S. Vereen

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS
34TH JUDICIAL DISTRICT

MARIA FONSECA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Cause No. 2020-DCV3880
	§	
WILLIAM DOUGLAS ORONA, and	§	
ELITE POWER AND RECOVERY, INC.,	§	
	§	
Defendants.	§	

DEFENDANT WILLIAM DOUGLAS ORONA’S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

~~COMES NOW~~ WILLIAM DOUGLAS ORONA, a Defendant in the above-entitled and
numbered cause, and files his Original Answer in reply to the Plaintiff’s Original Petition, and for
answer says:

I.

Pursuant to Tex. R. Civ. P. 92, Defendant enters his general denial as to Plaintiff’s Original
Petition and demands strict proof thereof.

II.

Defendant would show that Plaintiff’s own contributory negligence and/or negligence *per se*
was the proximate cause, sole proximate cause, or a new and independent cause of the occurrence
in question, and all of Plaintiff’s alleged damages and injuries, if any.

III.

With regard to any allegations of negligence *per se*, Defendant would show that his alleged
acts or omissions, if any, were excused, as that term is defined and understood by law.

IV.

Defendant would show that all or part of Plaintiff's claims are barred by Tex. Civ. Prac. & Rem. Code Ann. §41.0105 since Plaintiff may only recover medical expenses actually paid or incurred.

V.

Defendant would show that all or part of Plaintiff's alleged claims are barred by Tex. Civ. Prac. & Rem. Code Ann. § 18.091, since any evidence of wages or economic damages must be presented in an after-tax format.

VII.

Defendant would show that Plaintiff has failed to mitigate her alleged damages and injuries, if any, as that term is defined and understood by law.

VIII.

Defendant requests trial by jury and reserves the right to amend.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that upon final hearing that he be discharged and allowed to go hence without day and with its costs and that the Court grant Defendant such other and further relief, general or special, legal or equitable, to which Defendant may be justly entitled.

Respectfully submitted,

**MOUNCE, GREEN, MYERS
SAFI, PAXSON & GALATZAN, P.C.**

P.O. Drawer 1977

El Paso, Texas 79999-1977

Phone: (915) 532-2000

Fax: (915) 541-1597

E-Mail: vereen@mgmsg.com

E-Mail: esparza@msmsg.com

By: 

Darryl S. Vereen

State Bar No. 00785148

Michelle Esparza

State Bar No. 24116329

Attorneys for Defendants

CERTIFICATE OF SERVICE

In compliance with Texas Rule of Civil Procedure 21a (e), I, **Darryl S. Vereen**, hereby certify that on the 16 day of December, 2020, a true and correct copy of the foregoing document filed electronically with the clerk of the court in accordance with Texas Rule of Civil Procedure 21a (f)(1) is served on the following parties or attorney(s): Humberto S. Enriquez, Esq., enriquezlawfirm@sbcglobal.net, 1212 Montana Avenue, El Paso, Texas 79902.


Darryl S. Vereen

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS
34TH JUDICIAL DISTRICT

MARIA FONSECA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Cause No. 2020-DCV3880
	§	
WILLIAM DOUGLAS ORONA, and	§	
ELITE POWER AND RECOVERY, INC.,	§	
	§	
Defendants.	§	

CERTIFICATE OF WRITTEN DISCOVERY

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW ELITE POWER AND RECOVERY, INC., a Defendant in the above-entitled and numbered cause, and submits its Certificate of Written Discovery regarding the following written discovery requests:

1. Defendant Elite Power and Recovery Inc.’s Interrogatories and Request for Production to Plaintiff;
2. Defendant Elite Power and Recovery Inc.’s Request for Disclosure to Plaintiff; and
3. Defendants’ First Requests for Admission to Plaintiff.

WHEREFORE PREMISES CONSIDERED, Defendant respectfully prays that the Court and all parties take notice of the above and foregoing Certificate, and service of the above-referenced discovery requests, and that the Court grant Defendant such other and further relief, general or special, legal or equitable, to which Defendant may be justly entitled.

Respectfully submitted,

**MOUNCE, GREEN, MYERS
SAFI, PAXSON & GALATZAN, P.C.**

P.O. Box 1977

El Paso, Texas 79999-1977

Phone: (915) 532-2000

Fax: (915) 541-1597

E-Mail: vereen@mgmsg.com

E-Mail: esparza@msmsg.com

By: 

Darryl S. Vereen

State Bar No. 00785148

Michelle D. Esparza

State Bar No. 24116329

Attorneys for Defendants

CERTIFICATE OF SERVICE

In compliance with Texas Rule of Civil Procedure 21a (e), I, **Darryl S. Vereen**, hereby certify that on the 8 day of January, 2021, a true and correct copy of the foregoing document filed electronically with the clerk of the court in accordance with Texas Rule of Civil Procedure 21a (f)(1) is served on the following parties or attorney(s): Humberto S. Enriquez, Esq., enriquezlawfirm@sbcglobal.net, 1212 Montana Avenue, El Paso, Texas 79902.



Darryl S. Vereen

1:17PM

THE STATE OF TEXAS

Norma Favela Barceleau

District Clerk

El Paso County, Texas

Cables, Veronica

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: **ELITE POWER AND RECOVERY, INC.**, which may be served with process **by serving its registered agent, MICHAEL J. MERRELL, at 1773 PALI DR., EL PASO, TX 79936** or wherever he/she may be found

Greetings:

You are hereby commanded to appear by filing a written answer to the **Plaintiff's Original Petition** at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **34th Judicial District Court**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on the 3rd day of December, 2020 by Attorney at Law, HUMBERTO S. ENRIQUEZ, 1212 MONTANA, EL PASO, TX 79902, in this case numbered **2020DCV3880** on the docket of said court, and styled:

**MARIA FONSECA
VS
WILLIAM DOUGLAS ORONA AND ELITE POWER AND RECOVERY, INC.**

The nature of Plaintiff's demand is fully shown by a true and correct copy of the **Plaintiff's Original Petition** accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on the 8th day of December, 2020.

CLERK OF THE COURT

NORMA FAVELA BARCELEAU
District Clerk
El Paso County Courthouse
500 E. San Antonio Ave, RM 103
El Paso, Texas 79901



Attest: NORMA FAVELA BARCELEAU District Clerk
El Paso County, Texas

By: Veronica Cables, Deputy
Veronica Cables

Rule 106: "-the citation shall be served by the officer delivering to each defendant, in person, a true copy of the citation with the date of delivery endorsed thereon and with a copy of the petition attached thereto."

RETURN

Came on hand on _____ day of _____, 20____, at _____ o'clock _____ M., and executed in _____ County, Texas, by delivering to each of the within-named defendants, in person, a true copy of this Citation, having first endorsed thereon the date of delivery, together with the accompanying true and correct copy of the **Plaintiff's Original Petition**, at the following times and places, to-wit:

NAME	DATE			TIME			Place, and Course and Distance
	MONTH	DAY	YEAR	Hour	Min.	____.M.	
							From Court House

And not executed as to the defendant, _____

The diligence used in finding said defendant, being _____

And the cause of failure to execute this process is: _____

And the information received as to the whereabouts of the said defendant, being _____

FEES—SERVING ____ copy ____ \$ _____ Sheriff
_____ County, Texas

Total _____ \$ _____ by _____, Deputy

CERTIFICATE OF DELIVERY

I do hereby certify that I delivered to _____,
_____ on the _____ day of _____,
20____, at _____ o'clock ____ m. this copy of this instrument.

_____, Sheriff/Agent
_____ County, Texas
By _____, Deputy/Agent

SUBSCRIBED AND SWORN TO BEFORE ME ON THE _____ DAY OF _____, 20____.

(SEAL)

NOTARY PUBLIC, STATE OF TEXAS

Rasberry & Associates Litigation Support
201 East Main Street, Suite 1616 – El Paso, Texas 79901
www.rasberry.com
915-533-1199

December 4, 2020

Re: Maria Fonseca vs. William Douglas Orona, et al

Cause: 2020DCV3880

Please issue citation for personal service on defendant Elite Power and Recovery, Inc. by delivering to its authorized registered agent or representative, Michael J. Merrell @ 1773 Pali Drive, El Paso, TX 79936.

The Plaintiff's Original Petition was filed on 12-03-2018. Please email the completed citation to my email address: billing@rasberry.com

Thank you,

Roberta Medina

El Paso County - 34th District Court

Filed 12/3/2020 4:42 PM

Norma Favela Barceleau

District Clerk

El Paso County

2020DCV3880

IN THE COUNTY COURT AT LAW NUMBER _____
_____ JUDICIAL DISTRICT COURT
EL PASO COUNTY, TEXAS

MARIA FONSECA,

}

Plaintiff,

}

v.

}

CAUSE NO. 2020-_____

WILLIAM DOUGLAS ORONA and
ELITE POWER AND RECOVERY, INC.,

}

}

Defendants.

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, MARIA FONSECA hereinafter called Plaintiff, complaining of and about **WILLIAM DOUGLAS ORONA** and **ELITE POWER AND RECOVERY, INC.** hereinafter called Defendants, and for cause of action shows unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff is a resident of the State of Texas.
3. Defendant, **WILLIAM DOUGLAS ORONA** is a resident of the State of New Mexico. Said Defendant may be served with process at the following address: 1805 N. Mesa Road, Belen, New Mexico, 87002.
4. Defendant, **ELITE POWER AND RECOVERY, INC.** is a business of the State of New Mexico. It may be served by serving any of its authorized representatives or its registered agent Michael J. Merrell, 1773 Pali Drive, El Paso, Texas 79936.

Rasberry & Associates Litigation Support
201 East Main Street, Suite 1616 – El Paso, Texas 79901
www.rasberry.com
915-533-1199

December 4, 2020

Re: Maria Fonseca vs. William Douglas Orona, et al

Cause: 2020DCV3880

Please issue citation for service by certified mail to defendant William Douglas Orona @ 1805 N. Mesa Road, Belen, New Mexico 87002 related to the Plaintiff's First Amended Petition filed on 12-03-2020. Please email the completed citation to my email address: billing@rasberry.com

Thank you for your assistance,

Roberta Medina

El Paso County - 34th District Court

Filed 12/3/2020 4:42 PM

Norma Favela Barceleau

District Clerk

El Paso County

2020DCV3880

IN THE COUNTY COURT AT LAW NUMBER _____
JUDICIAL DISTRICT COURT
EL PASO COUNTY, TEXAS

MARIA FONSECA,

}

Plaintiff,

}

v.

}

CAUSE NO. 2020-_____

WILLIAM DOUGLAS ORONA and
ELITE POWER AND RECOVERY, INC.,

}

}

Defendants.

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, MARIA FONSECA hereinafter called Plaintiff, complaining of and about WILLIAM DOUGLAS ORONA and ELITE POWER AND RECOVERY, INC. hereinafter called Defendants, and for cause of action shows unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff is a resident of the State of Texas.
3. Defendant, WILLIAM DOUGLAS ORONA is a resident of the State of New Mexico. Said Defendant may be served with process at the following address: 1805 N. Mesa Road, Belen, New Mexico, 87002.
4. Defendant, ELITE POWER AND RECOVERY, INC. is a business of the State of New Mexico. It may be served by serving any of its authorized representatives or its registered agent Michael J. Merrell, 1773 Pali Drive, El Paso, Texas 79936.

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: **WILLIAM DOUGLAS ORONA**, who may be served with process at **1805 N. MESA RD., BELEN, NM 87002**

Greetings:

You are hereby commanded to appear by filing a written answer to the **Plaintiff's Original Petition** at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **34th Judicial District Court**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on the 3rd day of December, 2020, by Attorney at Law **HUMBERTO S. ENRIQUEZ**, 1212 MONTANA, EL PASO, TX 79902 in this case numbered **2020DCV3880** on the docket of said court, and styled:

MARIA FONSECA
VS
WILLIAM DOUGLAS ORONA AND ELITE POWER AND RECOVERY, INC.

The nature of Plaintiff's demand is fully shown by a true and correct copy of the **Plaintiff's Original Petition** accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on the 8th day of December, 2020.

Attest: **NORMA FAVELA BARCELEAU**, District Clerk, El Paso County, Texas.

CLERK OF THE COURT
NORMA FAVELA BARCELEAU
District Clerk
El Paso County Courthouse
500 E. San Antonio Ave, RM 103
El Paso Texas, 79901



ATTACH
RETURN RECEIPTS
WITH
ADDRESSEE'S SIGNATURE

Rule 106 (a) (2) the citation shall be served by mailing to the defendant by Certified Mail Return receipt requested, a true copy of the citation. Sec. 17.027 Rules of Civil Practice and Remedies Code if not prepared by Clerk of Court.

*NAME OF PREPARER TITLE

ADDRESS

CITY STATE ZIP

By Veronica Cables, Deputy
Veronica Cables

CERTIFICATE OF DELIVERY BY MAIL

I hereby certify that on the 11th day of December, 2020, at 5pm I mailed to William Douglas Orona at 1805 N. Mesa Rd. Belen, NM, 87002

Defendant(s) by registered mail or certified mail with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the **Plaintiff's Original Petition** attached thereto.

Yvonne Natividad
Process Server
TITLE

RETURN OF SERVICE

Delivery was completed on December 14, 2020, delivered to William Douglas Orona
+ 1805 N. Mesard, Belen, NM, 87002 as evidence by Domestic Return Receipt PS Form 3811
attached hereto.

The described documents were not delivered to the named recipient. The certified mail envelope was returned
undelivered marked _____.

This forwarding address was provided: _____

El Paso County, Texas

By: _____
Deputy District Clerk

OR
Yvonne Natividad
Name of Authorized Person

By: [Signature]

VERIFICATION BY AUTHORIZED PERSON

State of Texas

County of El Paso

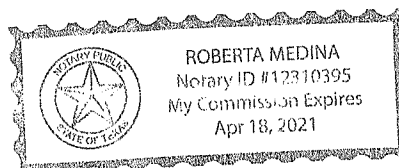
Before me, a notary public, on this day personally appeared Yvonne Natividad, known to me to be the person
whose name is subscribed to the foregoing Return of Service, and being by me first duly sworn, declared, "I am
disinterested party qualified to make an oath of that fact and statements contained in the Return of Service and true and
correct."

Subscribed and sworn to be on this 30 day
of December, 2020.

[Signature]

Notary Public, State of Texas

My commission expires 4/18/2021



USPS Tracking®

Track Another

7019 1120 0000 0705 0456

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To: William Douglas Orona

Street and Apt. No., or PO Box No: 1805 N. Mesa Rd

City, State, ZIP+4®: Belen, NM 87002

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Tracking Number: 70191120000007050456

Your item was delivered to an individual at the address at 10:27 am on December 14, 2020 in BELEN, NM 87002.

✓ Delivered

December 14, 2020 at 10:27 am
Delivered, Left with Individual
BELEN, NM 87002

Get Updates ✓

Text & Email Updates

Tracking History

Product Information

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3.
■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
William Douglas Orona
1805 N. Mesa Rd.
Belen, NM 87002

2. Article Number (Transfer from service label)
7019 1120 0000 0705 0456

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [Signature]

B. Received by (Printed Name)

D. Is delivery address different from item?
If YES, enter delivery address below

3. Service Type
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☒ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

Feedback

Norma Favela Barceau

District Clerk

El Paso County, Texas

Cables, Veronica

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: **WILLIAM DOUGLAS ORONA**, who may be served with process at **1805 N. MESA RD., BELEN, NM 87002**

Greetings:

You are hereby commanded to appear by filing a written answer to the **Plaintiff's Original Petition** at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **34th Judicial District Court**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on the 3rd day of December, 2020, by Attorney at Law HUMBERTO S. ENRIQUEZ, 1212 MONTANA, EL PASO, TX 79902 in this case numbered **2020DCV3880** on the docket of said court, and styled:

**MARIA FONSECA
VS
WILLIAM DOUGLAS ORONA AND ELITE POWER AND RECOVERY, INC.**

The nature of Plaintiff's demand is fully shown by a true and correct copy of the **Plaintiff's Original Petition** accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on the 8th day of December, 2020.

Attest: NORMA FAVELA BARCELEAU, District Clerk, El Paso County, Texas.

CLERK OF THE COURT
NORMA FAVELA BARCELEAU
District Clerk
El Paso County Courthouse
500 E. San Antonio Ave, RM 103
El Paso Texas, 79901



ATTACH
RETURN RECEIPTS
WITH

ADDRESSEE'S SIGNATURE

Rule 106 (a) (2) the citation shall be served by mailing to the defendant by Certified Mail Return receipt requested, a true copy of the citation. Sec. 17.027 Rules of Civil Practice and Remedies Code if not prepared by Clerk of Court.

*NAME OF PREPARER TITLE

ADDRESS

CITY STATE ZIP

By Veronica Cables, Deputy
Veronica Cables

CERTIFICATE OF DELIVERY BY MAIL

I hereby certify that on the _____ day of _____, 2020, at _____ I mailed to

Defendant(s) by registered mail or certified mail with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the **Plaintiff's Original Petition** attached thereto.

TITLE

RETURN OF SERVICE

Delivery was completed on _____, delivered to _____
_____ as evidence by Domestic Return Receipt PS Form 3811
attached hereto.

The described documents were not delivered to the named recipient. The certified mail envelope was returned
undelivered marked _____.

This forwarding address was provided: _____

El Paso County, Texas

By: _____

Deputy District Clerk

OR

Name of Authorized Person

By: _____

VERIFICATION BY AUTHORIZED PERSON

State of Texas

County of El Paso

Before me, a notary public, on this day personally appeared _____, known to me to be the person
whose name is subscribed to the foregoing Return of Service, and being by me first duly sworn, declared, "I am
disinterested party qualified to make an oath of that fact and statements contained in the Return of Service and true and
correct."

Subscribed and sworn to be on this ____ day
of _____, _____.

Notary Public, State of _____

My commission expires: _____

Norma Favela Barceau
District Clerk

El Paso County
2020 DCV 3880

STYLED

(e.g., John Smith v. All American Insurance Co., In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: <u>Humberto Enriquez</u> Email: <u>enriquezla@hchotel.com</u> Address: <u>1212 Montana Ave.</u> Telephone: <u>(915) 351-4331</u> City/State/Zip: <u>El Paso, TX 79902</u> Fax: <u>(915) 351-4339</u> Signature: <u>[Signature]</u> State Bar No: _____		Names of parties in case: Plaintiff(s)/Petitioner(s): <u>Maria Fonseca</u> Defendant(s)/Respondent(s): <u>William Douglas Orona and Elite Power and Recovery, Inc.</u> (Attach additional page as necessary to list all parties)	Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____
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2. Indicate case type, or identify the most important issue in the case (select only 1):

Civil			Family Law	
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input checked="" type="checkbox"/> Motor Vehicle Accident <input checked="" type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage:	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:	Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:			
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax:	Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:			

3. Indicate procedure or remedy, if applicable (may select more than 1):

<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action	<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment	<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover
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4. Indicate damages sought (do not select if it is a family law case):

- ☐ Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees
☐ Less than \$100,000 and non-monetary relief
☐ Over \$100,000 but not more than \$200,000
☐ Over \$200,000 but not more than \$1,000,000
☒ Over \$1,000,000

IN THE COUNTY COURT AT LAW NUMBER _____
____ JUDICIAL DISTRICT COURT
EL PASO COUNTY, TEXAS

MARIA FONSECA,	}	
Plaintiff,	}	
v.	}	CAUSE NO. 2020-_____
WILLIAM DOUGLAS ORONA and	}	
ELITE POWER AND RECOVERY, INC.,	}	
Defendants.	}	

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, MARIA FONSECA hereinafter called Plaintiff, complaining of and about WILLIAM DOUGLAS ORONA and ELITE POWER AND RECOVERY, INC. hereinafter called Defendants, and for cause of action shows unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff is a resident of the State of Texas.
3. Defendant, WILLIAM DOUGLAS ORONA is a resident of the State of New Mexico. Said Defendant may be served with process at the following address: 1805 N. Mesa Road, Belen, New Mexico, 87002.
4. Defendant, ELITE POWER AND RECOVERY, INC. is a business of the State of New Mexico. It may be served by serving any of its authorized representatives or its registered agent Michael J. Merrell, 1773 Pali Drive, El Paso, Texas 79936.

JURISDICTION AND VENUE

5. The subject matter in controversy is within the jurisdictional limits of this court.

6. This court has jurisdiction over the parties because the incident occurred in El Paso County, Texas.

FACTS

7. This lawsuit results from an automobile accident that occurred on July 18, 2019, in El Paso, County Texas. Plaintiff, MARIA FONSECA was the operator of a motor vehicle in El Paso County, Texas, in a reasonable and prudent manner, exercising ordinary care for her safety, and the safety of others when Plaintiff, was struck by a vehicle which was operated by Defendant, WILLIAM DOUGLAS ORONA. The collision, which was proximately caused by Defendant's negligence, occurred as follows: The accident occurred in 1800 Joe Battle Blvd. which is Northbound traffic and intersects into 12200 Windermere. Plaintiff was traveling northbound on Joe Battle Blvd. and Defendant was exiting Windermere and entering the mentioned lanes on Joe Battle. Defendant, WILLIAM DOUGLAS ORONA failed to yield the right of way to oncoming traffic colliding with Plaintiff's vehicle causing the collision in question. As a result of the negligent conduct of Defendant and the resulting collision, Plaintiff sustained substantial physical injuries to Plaintiff's person.

PLAINTIFF'S CLAIM OF NEGLIGENCE AGAINST DEFENDANT WILLIAM DOUGLAS ORONA

8. Defendant, WILLIAM DOUGLAS ORONA, had a duty to exercise the degree of care that a reasonably and careful person would use to avoid harm to others under circumstances similar to those described herein.

9. Plaintiff's injuries were proximately caused by Defendant's negligent, careless and reckless disregard of said duty.

10. The negligent, careless and reckless disregard of duty of Defendant, WILLIAM DOUGLAS ORONA consisted of, but is not limited to, the following acts and omissions:

- A. In that Defendant failed to keep a proper lookout for Plaintiff's safety that would have been maintained by a person of ordinary prudence under the same or similar circumstances;
- B. In that Defendant failed to yield as a person of prudent care would have done;
- C. In that Defendant failed to stop his motor vehicle in an effort to avoid the incident complained of;
- D. In that Defendant failed to enter into the lane only when he could have safely entered without interference or collision with other traffic, and specifically, with Plaintiff's motor vehicle.

**NEGLIGENT ENTRUSTEMENT BY DEFENDANT
ELITE POWER AND RECOVERY, INC.**

11. Defendant, ELITE POWER AND RECOVERY, INC. had a duty to exercise ordinary care in the training and supervision of its employees. It breached this duty by failing to exercise such care and failing to adequately train and supervise its employees. Further, Defendant, ELITE POWER AND RECOVERY, INC. was the owner of the 2006 International S-Series driven by WILLIAM DOUGLAS ORONA on the day of the incident with Plaintiff. Defendant entrusted the vehicle to WILLIAM DOUGLAS ORONA when they knew or should have known that WILLIAM DOUGLAS ORONA was an incompetent or reckless driver. On this particular occasion WILLIAM DOUGLAS ORONA was in fact negligent in causing the collision with Plaintiff's vehicle. Defendant, ELITE POWER AND RECOVERY, INC. had a duty to exercise ordinary care in the training and supervision of its employees. Defendant, ELITE POWER AND RECOVERY, INC. negligent training, supervision, and entrustment proximately caused the injuries and damages made the subject of this lawsuit.

CAUSE OF ACTION – RESPONDEAT SUPERIOR

12. At the time of the occurrence in question and immediately prior thereto, Defendant, WILLIAM DOUGLAS ORONA, was operating said vehicle within the course and scope of his agency and/or employment for ELITE POWER AND RECOVERY, INC. Plaintiff therefore invokes the doctrine of Respondeat Superior.

DAMAGES FOR MARIA FONSECA

13. As a direct and proximate result of the occurrence made the basis of this lawsuit, MARIA FONSECA was caused to suffer injuries to her head, neck, back, shoulder and body as a whole, and to incur the following damages:


- A. Reasonable medical care and expenses in the past in the amount of \$55,685.38. These expenses were incurred by Plaintiff for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in El Paso County, Texas;
- B. Physical pain and suffering in the past;
- C. Physical pain and suffering in the future;
- D. Physical impairment in the past;
- E. Physical impairment which, in all reasonable probability, will be suffered in the future;
- F. Mental anguish in the past;
- G. Mental anguish in the future;

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, **MARIA FONSECA** respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant, jointly and severally, for damages listed above, together with pre-judgment interest from the date of injury through the date of judgment at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

THE ENRIQUEZ LAW FIRM, PLLC
1212 Montana Avenue
El Paso, Texas 79902
(915) 351.4331
(915) 351.4339 Facsimile No.



BY: HUMBERTO S. ENRIQUEZ
Attorney for Plaintiff
State Bar No. 00784019

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: **ELITE POWER AND RECOVERY, INC.**, which may be served with process by serving its registered agent, **MICHAEL J. MERRELL**, at **1773 PALI DR., EL PASO, TX 79936** or wherever he/she may be found

Greetings:

You are hereby commanded to appear by filing a written answer to the **Plaintiff's Original Petition** at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **34th Judicial District Court**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on the 3rd day of December, 2020 by Attorney at Law, **HUMBERTO S. ENRIQUEZ**, 1212 MONTANA, EL PASO, TX 79902, in this case numbered **2020DCV3880** on the docket of said court, and styled:

MARIA FONSECA
VS
WILLIAM DOUGLAS ORONA AND ELITE POWER AND RECOVERY, INC.

The nature of Plaintiff's demand is fully shown by a true and correct copy of the **Plaintiff's Original Petition** accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on the 8th day of December, 2020.

CLERK OF THE COURT

NORMA FAVELA BARCELEAU
District Clerk
El Paso County Courthouse
500 E. San Antonio Ave, RM 103
El Paso, Texas 79901



Attest: NORMA FAVELA BARCELEAU District Clerk
El Paso County, Texas

By: Veronica Cables, Deputy
Veronica Cables

Rule 106: "the citation shall be served by the officer delivering to each defendant, in person, a true copy of the citation with the date of delivery endorsed thereon and with a copy of the petition attached thereto."

RETURN

Came on hand on 28th day of November, 2020, at 12 o'clock P. M., and executed in Bernalillo County, New Mexico, by delivering to each of the within-named defendants, in person, a true copy of this Citation, having first endorsed thereon the date of delivery, together with the accompanying true and correct copy of the **Plaintiff's Original Petition**, at the following times and places, to-wit:

NAME	DATE			TIME			Place, and Course and Distance
	MONTH	DAY	YEAR	Hour	Min.	M.	From Court House
Elite Power and Recovery, Inc by serving its Registered Agent Michael J. Merrell by certified mail see attached	12	14	20	10:38	AM		2121 Osuna Rd. NE, Albuquerque, New Mexico 87113

And not executed as to the defendant, _____

The diligence used in finding said defendant, being _____

And the cause of failure to execute this process is: _____

And the information received as to the whereabouts of the said defendant, being _____

FEES—SERVING _____ copy _____ \$ _____ Sheriff

_____ County, Texas
Total _____ \$ _____ by _____ Deputy

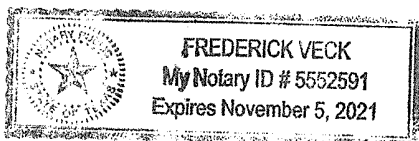
CERTIFICATE OF DELIVERY

I do hereby certify that I delivered to Elite Power and Recovery, Inc by serving its registered Agent Michael J. Merrell by certified mail, see attached at 2121 Osuna Rd. NE Albuquerque, NM 87113 on the 14th day of December, 2020, at 10:38 o'clock A. m. this copy of this instrument.

Yvonne Natividad PSC 608 Exp 10-31-21 Sheriff/Agent
El Paso County, Texas
By [Signature] Deputy/Agent

SUBSCRIBED AND SWORN TO BEFORE ME ON THE 17 DAY OF December, 2020.

(SEAL)



[Signature]

NOTARY PUBLIC, STATE OF TEXAS

12/17/2020

USPS.COM - USPS TRACKING RESULTS

ALERT: USPS IS EXPERIENCING UNPRECEDENTED

USPS Tracking®

Track Another

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee
 \$

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage
 \$

Total Postage and Fees
 \$

Sent To Elite Power & Recovery Inc
C/O Michael J. Merrell
2121 Osuna Road NE
Albuquerque, NM 87113

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Postmark Here
 DEC 11 2020

Tracking Number: 70191120000007050463

Your item was delivered to the front desk, reception area, or mail room at 10:38 am on December 14, 2020 in ALBUQUERQUE, NM 87113.

 **Delivered**

December 14, 2020 at 10:38 am
 Delivered, Front Desk/Reception/Mail Room
 ALBUQUERQUE, NM 87113

Feedback

Get Updates ▼

Text & Email Updates

Tracking History

Product Information

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to: <u>Elite Power & Recovery Inc</u> <u>C/O Michael J. Merrell</u> <u>2121 Osuna Road NE</u> <u>Albuquerque, NM 87113</u></p>	<p>3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>2. Article Number (Transfer from service label) <u>7019 1120 0000 0705 0463</u></p>	
<p>9590 9402 5220 9122 4210 26</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9055</p>	<p>Domestic Return Receipt</p>

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

https://tools.usps.com/go/TrackConfirmAction?qt_c_tlLabels1=70191120000007050463